



House Bill 3078 (2017) Report

Oregon Criminal Justice Commission

1 February 2021

Executive Summary

In the 2017 legislative session, the legislature passed and the Governor signed House Bill 3078. Section 10 of this bill requires the Oregon Criminal Justice Commission (CJC) to study the impact of this legislation on “prison utilization, recidivism and public safety,” and to report the results by February 1 of each year. This is the fourth annual report and second report after one full biennium of implementation.

CJC has completed its report and, in accordance with ORS 192.245 (as outlined in the bill), is providing this Executive Summary to the Legislative Assembly by electronic mail. One copy of the report is being provided to Daron Hill, Legislative Administrator. Anyone interested in viewing the report in its entirety may do so by requesting a copy from the Criminal Justice Commission at 503-378-4830 or by accessing this link: <https://www.oregon.gov/cjc/CJC%20Document%20Library/HB3078ReportFeb2021.pdf>

The estimated prison bed impacts of the changes attributable to HB 3078 were included in the most recent Oregon Corrections Population Forecast prepared by the Office of Economic Analysis (October 1, 2020). Beginning in March 2020, the COVID-19 pandemic has resulted in a substantial drop in prison intakes and the prison population. This impact is shown in the prison population and additional prison use measures in this report. The estimated impact of HB 3078 is a significant reduction in prison utilization, particularly for the female prison population. Specifically, as of January 1, 2021, the female prison population dropped to 912 adults in custody and the October 2020 forecast predicts a population below 1,100 over the next 10 years. Therefore, at this time, an additional female corrections facility will not be required within the 10-year window of the prison forecast. Similarly, as of January 1, 2021, the male population was 11,830 adults in custody and the October 2020 forecast predicts a population below 13,000 over the next 10 years. Based on the October 2020 forecast, the additional male corrections facility in Junction City will not be required within the 10 year forecast window.

To accomplish reductions in the prison population, HB 3078 enacted several changes within the criminal justice system. First, Section 2 of the bill removed some of the restrictions that previously prevented otherwise eligible offenders from participating in the Family Sentencing Alternative Pilot Program (FSAPP) (applicable to sentences imposed on or after August 8, 2017). The statutory changes to FSAPP eligibility have contributed to an increased number of Oregon families benefitting from the unique opportunities, services, and support FSAPP provides. Since the inception of the pilot in January 2016, 212 individuals have participated in the program. Together, these participants are the primary caregivers to 391 minor children who would otherwise likely be involved in the foster system. The CJC has completed a preliminary analysis of the efficacy of FSAPP, and the results show that FSAPP participation was associated with lower rates of recidivating or revocation events.

Second, Sections 3 and 4 of HB 3078 increased the maximum amount of time that the DOC can grant short-term transitional leave (STTL) to individuals reentering the community from 90 days to 120 days (applicable to sentences imposed on or after January 1, 2018). In total, 435 females and 2,267 males have participated in the 120-day program. This number is expected to increase as more participants with sentences imposed on or after January 1, 2018 enter the STTL program.

Third, Section 5 of the bill changed sentences for Identity Theft and Theft in the First Degree for sentences imposed on or after January 1, 2018. Identity Theft and Theft in the First Degree were essentially removed from the sentencing structure created by Measure 57. This report provides a summary of prison intakes and average length of stay (LOS) in months for both crimes by gender. In general, first sentence length of stay for both crimes have decreased for males and females, indicating the sentencing change is having the intended impact.

Fourth, Sections 7 and 9 of the bill appropriated \$7 million in grant funds for downward departure prison diversion programs in the 2017-19 biennium and \$7.26 million for the 2019-21 biennium. These funds were distributed to counties through a grant program administered by the CJC with preference given to counties with newly established programs. The CJC created an application and review process and selected twelve counties to receive this Supplemental Justice Reinvestment Funding in the 2017-19 biennium and 15 in the 2019-21 biennium. This report provides a summary of prison usage for the 15 counties for property, drug, and driving crimes by gender. While the data regarding the success of the grant in reducing prison usage is equivocal at an individual county level, collectively, the supplemental counties have reduced prison usage more than counties not receiving this additional funding.

In summary, HB 3078 enacted a number of reforms designed to address prison usage, public safety, and recidivism in Oregon. As shown by the prison population trends and the predicted prison trends included in the October 2020 Prison Forecast, HB 3078 has reduced the prison population, particularly for females, and will continue to reduce the prison population in the years to come. The CJC will continue to monitor prison use, recidivism, and program participation trends to evaluate future impacts from HB 3078.

General inquiries regarding this report should be directed to the Criminal Justice Commission at 503-378-4830. Specific questions regarding the contents of this report can be directed to Ken Sanchagrin, the Executive Director of the Criminal Justice Commission, at 971-719-6000 or ken.sanchagrin@oregon.gov.